

## **REMARKS**

### **Introductory Comments**

The present application includes claims 1-22, wherein claims 1, 10 and 17 are presented in independent form. Applicants appreciate the Examiner's indication that claims 10-16 are allowed. With this Amendment, Applicants have amended claims 1-3, 5 and 17 to place the application in condition for allowance or for consideration on appeal. Applicants have added dependent claims 21 and 22.

### **Claim Rejections**

The Examiner rejected claims 1-4, 7, 8, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,945,592 to Sims et al. in view of U.S. Patent No. 4,905,944 to Jost et al and U.S. Patent No. 5,678,267 to Kinder. Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims et al. in view of Jost et al. and Kinder and further in view of U.S. Patent No. 4,886,237 to Dennis. Claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims et al. in view of Jost et al. and Kinder and further in view of U.S. Patent No. 5,556,065 to Wadley.

Claim 1 has been amended to delete the word "concentric", to add the word "push" to the "first handle" and to the "second handle" and to state that a first coupler is configured to removably couple the first push handle to the frame and to lock the first push handle relative to the frame.

None of the cited references disclose, teach, or suggest a coupler configured to removably and operably couple a push handle to a frame and to lock the push handle relative to the frame.

In rejecting claim 1, the Examiner has stated that Sims et al. shows a hospital bed including a first handle (38, 40) positioned adjacent the first end of the patient support surface wherein the handle is supported for pivoting movement about a vertical axis of rotation to permit a caregiver to apply a moving force to the patient support.

Applicants, however, do not believe that Sims et al. either discloses, suggests or teaches that an upper portion 38 or the base portion 40 (described as a first handle (38,40) by the Examiner) of the portable patient care apparatus 12 is used to apply a moving force to a frame. Applicants do not find any disclosure in Sims et al. stating that the portable patient care apparatus 12 is used to apply a moving force to a frame. In addition, Applicants do not believe that Sims et al. suggests that the portable patient care apparatus 12 is used to apply a moving force to a frame. In fact, Applicants believe that Sims et al. teaches away from such

a use. Sims et al. states that “it is a primary object of the invention to provide an apparatus which conveniently and safely(emphasis supplied by Applicants) couples a patient care apparatus with a patient transport device”. (Column 1, lines 48-51). The upper portion 38 preferably has a means for supporting various diagnostic and therapeutic medical patient care devices 44.(column 3, lines 34-39)

Applicants believe that Sims et al. teaches away from a use of the Sims et al. device as speculated by the Examiner. Assuming for the sake of argument that the Sims et al. device is used to apply a moving force to the patient support, it is possible, and perhaps even likely, that the devices 44 supported by the means for supporting could fall, thereby creating an unsafe condition. Such use of the Sims et al. device is therefore directly in conflict with a “primary object of the invention”, one of safety. Not only does Sims et al. not disclose, teach or suggest a handle supported for pivoting movement about a vertical axis of rotation to permit a caregiver to apply a moving force to the patient support, but Sims et al. teaches away from such a use.

The Examiner also states that Sims et al. discloses in column 4, lines 8-11, that the bed comprises “two connections (16), one on either side of the same end of the bed”, and that “it is inherent that two handles with the same configuration can be attached to the bed at the same time and therefore only one handle will be discussed in detail since it is understood that the second handle will have the same structure”. (Office Action, page 2 and 3)

Applicants, do not find the language “two connections (16)” in Sims et al.. Sims et al. describes instead a “headboard which features two female sockets (i.e. first flange 16) disposed on opposite sides of a longitudinal centerline of the hospital bed”. (See column 4, lines 9-14). Applicants do not find this description inherently discloses “two connections” which can be used for attaching “two handles” to the bed. At best the “two female sockets” inherently disclose how the headboard is attached to the bed. Applicants, therefore, believe that the Examiner’s characterization of Sims et al. is improper and that it lacks the inherency stated by the Examiner.

Applicants believe that the Examiner has failed to satisfy the Patent and Trademark Office’s burden of establishing a rejection based on 35 USC § 103(a). More particularly, Applicants believe that the Examiner has failed to show any teaching, suggestion, or motivation to modify Sims et al. in view of Jost et al. and Kinder. The prior art simply does not disclose, teach or suggest all of the limitations of claim 1.

Therefore, Applicants believe that claim 1 is in a condition for allowance. Removal of the rejection and allowance of claim 1 is respectfully requested. If the Examiner should

disagree with the Applicant's understanding of the references or the Applicant's arguments, the Examiner is asked to point out with particularity where the elements of the claims are disclosed.

#### **Claims 2-4, 7 and 8**

Claims 2-4, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims et al. et al. in view of Jost et al and further in view of Kinder.

Since claims 2-4, 7 and 8 depend claim 1, which Applicants believe is allowable, it is respectfully submitted that these claims are likewise in condition for allowance.

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims et al. in view of Jost et al., Kinder, and further in view of Dennis (4,886,237). Since claims 5 and 6 depend from claim 1, which Applicants believe is allowable, it is respectfully submitted that these claims are allowable as well.

#### **Claim 17**

Claim 17 has been amended to state that the push handle includes an axis, the grip portion has the same axis as the push handle, and the grip portion is configured to move along the axis of the push handle. Applicants believe that none of the cited references disclose, teach, or suggest the claimed push handle and grip portion as recited in amended claim 17. As previously stated, Sims et al. does not teach or suggest a push handle. In addition, Sims et al. does not teach a grip portion at all. Jost only teaches a handle and sleeve 70, 72 that are perpendicular to and displaced from a pole 10 as shown in Figs. 1 and 2. Jost does not disclose, teach or suggest a push handle including an axis, a grip portion concentrically coupled to and having the same axis as the push handle, and the grip portion configured to move along the axis of the push handle.

Lastly, the reference to Kinder does not disclose, teach or suggest, a push handle including an axis, a grip portion concentrically coupled to and having the same axis as the push handle, and the grip portion configured to move along the axis of the push handle. While Kinder describes a handlebar 18, including a top grip 28A and a side grip 28B, a patient grips the handlebar for use as a support to recline to a laying flat position or to sit up. (column 2, lines 36-43). Consequently, Kinder teaches a sturdy support for a patient and does not disclose, teach, or suggest a grip portion configured to move along an axis of a push handle.

Therefore Applicants believe that claim 17 is in a condition for allowance. Removal of the rejection and allowance of claim 17 is respectfully requested. If the Examiner should disagree with the Applicant's understanding of the references or the Applicant's arguments,

the Examiner is asked to point out with particularity where the elements of the claims are disclosed.

**Claims 18-20**

Claims 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims et al. in view of Jost et al and further in view of Kinder.

Since claims 18-20 depend claim 17, which Applicants believe is allowable, it is respectfully submitted that these claims are likewise in condition for allowance.

**Final Comments**

Applicants appreciate the Examiner's indication that claims 10-16 are allowed.

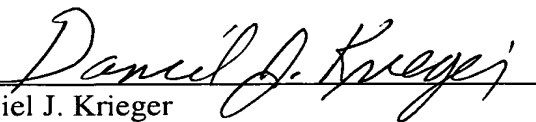
In view of the foregoing, it is respectfully submitted that all of the solicited claims are in condition for allowance. Such action is respectfully requested.

If necessary, applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this response be charged to the deposit account of Bose McKinney & Evans, Deposit Account No. 02-3223.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comments arise during the course of consideration of this matter.

Respectfully submitted,

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